

### REMARKS

In the final office action dated May 13, 2010, all claims 60-80 were rejected. Favorable reconsideration is respectfully requested in view of the following remarks.

#### **Rejections under sections 102 and 103**

Claims 60-61, 67-68, 71-72 and 78-80 were rejected under § 102(a) as allegedly anticipated by a Matković reference. Claims 62-64 and 73-75 were rejected under § 103(a) as allegedly unpatentable over Matković in view of an El-Kwae reference. Claims 65-66 and 76-77 were rejected under § 103(a) as allegedly unpatentable over Matković and El-Kwae in view of a Wactlar reference. Claims 69-70 were rejected under § 103(a) as allegedly unpatentable over Matković in view of Wactlar. Applicant respectfully traverses the rejections.

Of pending claims 60-80, claims 60, 69, 70, 71 and 80 are independent claims. In short, one difference against Matković is that the present subject matter calculates certain image parameters for each of multiple images, and then combines those parameters into a composite image for use in searching. Matković, in contrast, calculates fewer than all of those image parameters for only a single image, and then uses the fewer image parameters for searching. That is, Matković does not form a composite image.

First, the present rejection seems to be based on an unreasonable interpretation by the Examiner. “The broadest-construction rubric coupled with the term ‘comprising’ does not give the PTO an unfettered license to interpret claims to embrace anything remotely related to the claimed invention.” *In re Suitco Surface, Inc.*, 603 F.3d 1255, 1260 (Fed. Cir. 2010).

In rejecting the claims over Matković, the Examiner interprets the “reference images” in the present claims to be the images among which the search is to be performed. Applicant respectfully disagrees. In the present claims, the images among which the search is to be performed are called “images in a collection.” For example, the present method claim 60 mentions a “composite reference image” and the “images in a collection.” The claim recites “comparing by the computer the composite reference image to images in a collection in order to identify one or more of the images having features described by the composite reference image.”

That is, the method in claim 60 searches among the images in the collection using the composite reference image.

The Examiner takes the position that the “reference images” in claim 60 are disclosed by Matković’s “target images.” Final office action p. 2. Applicant respectfully disagrees. Matković describes that a “query image” is compared with descriptors created from the target images. *See* Matković section 3. That is, Matković searches *among* the target images with the query image. Matković never teaches or suggests using the target images to form the query image.

It follows that Matković does not disclose or suggest the feature in claim 60 of receiving reference images. The other independent claims recite language similar to that discussed above.

Second, Matković does not calculate image parameters for the query image as recited in claim 60; namely image parameters that “characterize color, texture and shape features that are common to the reference image and at least one other reference image.” Rather, Matković describes that the “color depth of the image is reduced first.” Matković section 3. At the very least, this disclosure by Matković fails to show calculation of image parameters that characterize “texture and shape features,” and particularly such features “that are common to the reference image and at least one other reference image.”

The portion in Matković section 3.1.1 mentions “reduction of image size and color depth,” and does not describe calculation of image parameters that characterize texture and shape features.

The Examiner refers to Matković section 3.1.1 as allegedly teaching “an image is composed of small shapes where the color is mapped to the image using coordinates.” Applicant respectfully disagrees; the section says that “a limited number of rectangles of various sizes *is placed in an image*” (emphasis added). This does not disclose that “an image is composed of small shapes,” or the rest of the Examiner’s statement. In any event, placing “a limited number of rectangles ... in an image” does not disclose “combining by the computer the calculated image parameters to generate a composite reference image,” as recited in claim 60.

Independent claims 69, 70, 71 and 80 recite some analogous language. For example, claim 69 mentions “a plurality of reference video objects” and “composite reference information.” The other cited references do not provide the subject matter missing from Matković as discussed above, and the Examiner did not so contend either.

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As such, claims 60-80 are patentable over the references of record.

### **Conclusion**

Favorable reconsideration in form of a notice of allowance is respectfully requested.

No fee is believed due. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: July 13, 2010 \_\_\_\_\_

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